

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2015 APR -1 PM 2: 37

DEPUTY CLERK 

TYLER HOLSTEIN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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2:12-CV-0214

ORDER ADOPTING REPORT AND RECOMMENDATION and
GRANTING IN PART, DENYING IN PART, MOTION TO VACATE,
SET ASIDE OR CORRECT SENTENCE

Came for consideration the motion to vacate, set aside, or correct sentence by a person in federal custody filed by petitioner. On March 17, 2015, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the instant motion be granted in part, and denied in part. On March 23, 2015, respondent filed a response to the Report and Recommendation. As of this date, neither party has filed objections to the Report and Recommendation.

Having made an independent examination of the record in this case and having examined the Report and Recommendation of the Magistrate Judge, the undersigned United States District Judge hereby ADOPTS the Report and Recommendation to the extent that the motion to vacate is DENIED as to all claims except the claim of ineffective assistance of counsel at sentencing for failure to object to the above-guidelines sentence. The motion to vacate as to that one claim is GRANTED to the extent that the defendant Holstein's sentence will be reduced from 108 months to 87 months, and an amended judgment will issue. No other relief is granted.

The Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence filed by petitioner is GRANTED IN PART, and DENIED IN PART as set forth herein.

IT IS SO ORDERED.

ENTERED this 1st day of April 2015.



MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE